

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY
PERTAINING TO TRANSPORTATION CONFORMITY, AFFIRMING
PARTICIPATION IN A CONSULTATION PROCESS, CONCURRING IN CERTAIN
DESIGNATIONS, AND NOMINATING A COUNTY LIAISON FOR FUTURE,
TRANSPORTATION CONFORMITY RELATED ACTIVITY.**

WHEREAS, the Cochise County Board of Supervisors ("Board") is empowered under Title 49 of the Arizona Revised Statutes to adopt rules and take other measures for the purpose of controlling the release of air contaminants within the County;

WHEREAS, the Board is empowered under Titles 11 and 28 of the Arizona Revised Statutes to manage certain roadways lying within the unincorporated areas of the County,

WHEREAS, the area adjoining Douglas, Arizona, including portions lying within Cochise County, has previously been designated under the Clean Air Act ("CAA") as "nonattainment" with respect to national ambient air quality standard for particulate matter (hereafter "Douglas and Paul Spur Nonattainment Areas");

WHEREAS, CAA Part D requires that where a nonattainment area exists, the appropriate governmental agencies formulate an implementation plan that will manage emissions to the degree required to prevent future exceedences of the relevant national ambient air quality standards;

WHEREAS, CAA §176 effectively obligates governmental agencies receiving federal money to conduct their planning and permitting activities in a manner that will not violate the prevailing implementation plan;

WHEREAS, the Environmental Protection Agency has promulgated detailed rules (i.e. 40 CFR Part 51, Subpart T *Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C or the Federal Transit Act* and 40 CFR Part 93, Subpart A *Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S. C. or the Federal Transit Act*) aimed at assuring that transportation-related projects, funded wholly or in part with federal money, will conform to the prevailing implementation plan:

WHEREAS, the EPA's Transportation Conformity Rules require that the empowered planning agency for each non-attainment area in question consult with other affected governmental entities and that:

- They collectively:
 - designate those transportation routes that will fall subject to the conformity planning processes;
 - define the minimum project size that will allow projects to escape the conformity planning process;

The affected local governmental entities designate a liaison, to represent that unit of government in future conformity analyses and communications.

THEREFORE, FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING, AND FOR THE PURPOSE OF DEFINING COCHISE COUNTY'S PARTICIPATION IN THE TRANSPORTATION CONFORMITY PLANNING PROCESS OUTLINED ABOVE, THE COCHISE COUNTY BOARD OF SUPERVISORS HEREBY RESOLVE TO:

1. Acknowledge that the County has been consulted by the lead agency, namely the Arizona Department of Transportation ("ADOT"), in the development of the transportation conformity plan for the Douglas and Paul Spur Nonattainment Areas;
2. Concur that State Routes 80 and 191 define the only regionally significant transportation corridor in the Cochise County portion of the Douglas and Paul Spur Nonattainment Areas;
3. Concur that ADOT shall have primary responsibility for transportation. conformity planning with respect to the regionally significant transportation corridor defined above;
4. Concur that projects affecting less than one mile of the above-defined regionally significant transportation corridor should be exempted from the transportation conformity planning requirements;
5. Designate the Deputy Director of the Cochise County Highway and Floodplain Department as the County's liaison for future transportation conformity related analyses and consultation.

IN WITNESS THEREOF, the undersigned, in accord with the vote of the Cochise County Board of Supervisors as duly reflected in the minutes of the Board meeting, have executed this document on behalf of the Board of Supervisors on this day of _____ 1997.

COCHISE COUNTY, a political subdivision of the State of Arizona,

Tony Saracino, Chairman
Board of Supervisors

ATTEST:

Nadine Parkhurst, Clerk of the Board

APPROVED AS TO FORM:

John MacKinnon, Deputy County Attorney